IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

OP.No. 35827 of 2000(M)

PETITIONERS:

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1) K.NIRMALA, 'ANUGRAHA',
KUPPODE, MARUTHARODE P.O.,
PALAKKAD – 678 007.

2) SOUMINI M.,
'PREMA SADAN', KAVILPAD,
PUTHUPURIYARAM,
PALAKKAD – 678 017.

BY ADV. SRI.S.SANTHOSH

RESPONDENTS:

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1) THE DIRECTOR, SOCIAL WELFARE DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

2) THE PROGRAMME OFFICER, I.C.D.S. OFFICE,
SOCIAL WELFARE DEPARTMENT,
CIVIL STATION, PALAKKAD.

3) CHILD DEVELOPMENT PROJECT OFFICER,
I.C.D.S. OFFICE (MALAMPUZHA BLOCK),
PALLEPPULLY, PALAKKAD.

BY GOVERNMENT PLEADER SRI.SALIM P.A.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NOS.61127 & 61315/2000 IN OP.NO.35827 OF 2000-M.

DISMISSED.

19/10/2007. **Sd/- T.R.Ramachandran Nair, Judge.**

APPENDIX

PETITIONERS' EXHIBITS:-

Ext.P1: **Copy of the letter of interview dtd.14.12.1999.**

Ext.P2: **Copy of the appointment order dtd.17/10/2000.**

Ext.P3: **Copy of the order, dtd.26/7/2000.**

Ext.P4: **Copy of the letter of termination dtd.7/11/2000.**

Ext.P5: **Copy of the order terminating the services of the 2nd petitioner.**

Ext.P6: **Copy of the representation filed by the 1st petitioner, dtd.2.12.2000.**

Ext.P7: **Copy of the representation filed by the 2nd petitioner, dtd.2/12/2000.**

Ext.P8: **Copy of the order dtd.7/11/2000.**

RESPONDENTS' EXHIBITS:-

Ext.R1(a): **Copy of the rotation chart.**

Ext.R1(b): **Copy of the selection list.**

Ext.R1(c): **Copy of the selection list.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R. RAMACHANDRAN NAIR, J.

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O.P.No. 35827 OF 2000-M.

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Dated this the 19th day of October, 2007.

J U D G M E N T

The petitioners are candidates who have been selected as Anganwadi Workers pursuant to a notification issued by the 2nd respondent. The petitioners were appointed as per Exts.P2 and P3 and they joined duty also within the period stipulated in Exts.P2 and P3. Their appointments were terminated as per Exts.P4 and P5 which are under challenge in this writ petition.

2. The respondents have filed a counter affidavit. It is averred in the counter affidavit that the petitioners are not eligible for appointment to the vacancies against which they were appointed as per the rotation rules. Ext.R1 (a) has been produced to support the above plea. As per the rotation chart the first vacancy is open competition and therefore it should go to the first rank holder in Ext.R1(b) list which is in respect of Marutharode Panchayat. The first petitioner is rank No.9 and therefore she is not eligible for appointment against the first vacancy. Ext.R1(c) is the rank list in respect of Puduppariyaram Panchayat and the second petitioner is rank No.4. She was also not eligible for appointment against the first vacancy. The respondents,

therefore, have explained that it was in those circumstances petitioners were terminated and the eligible candidates were posted. The petitioners have not disputed the above by filing any reply to the same. Going by the averments made in the counter affidavit, mentioned above, I find no illegality in the orders passed by the competent authority terminating the services of the petitioners. It is averred in the counter affidavit that the petitioners were eligible for appointment as and when their turn comes in the rank list. Therefore, the said right of the petitioners will not be affected by the orders of termination. The writ petition has been pending from 2000 onwards and there was no interim order also.

In view of the above, the writ petition is dismissed without prejudice to the right of petitioners for appointment according to their turn, if not already appointed. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

kvs/-